

## Follow-up Responses to Questions Asked During the Webinar

\*Standard disclaimer – we are librarians, not lawyers. We can only provide legal information, not legal advice.

### Does [Section 110\(1\)](#) (face to face teaching exception) apply to public libraries?

To us, it doesn't seem like Section 110(1) would apply to a public library. If a local school (K-12 or higher) has events in the public library, then that event would probably qualify for Section 110(1) exemption.

### Reading stories to students via livestreaming (Facebook, YouTube). AKA online storytime

Carrie Russell (ALA's copyright specialist) thinks that online storytime would likely be a fair use (see links below). We think she's a little more comfortable with the risk here than we are – as mentioned, there is a spectrum of people's comfort levels with risk. We would suggest:

- Limiting access to enrolled/affiliated users (students or library card holders)
- Livestreaming and not recording storytime
- Not having it available for download at any time
- Tie online storytime into classroom objectives (for instance, an in class activity or assignment related to the book) that would make the fair use argument stronger
- Learning more about copyright, so you can feel comfortable making your judgment

To lower your risk considerably, find a children's book that is in the public domain. Here's a few compiled by Goodreads:

[https://www.goodreads.com/list/show/11877.Best\\_Children\\_s\\_Books\\_in\\_the\\_Public\\_Domain](https://www.goodreads.com/list/show/11877.Best_Children_s_Books_in_the_Public_Domain)

Also, if the goal is just to get students interested in books and hearing them read – there is a whole collection here on Storyline Online:

<https://www.storylineonline.net/about-us/>. They include nice illustrations and animations to go with the story.

Carrie Russell's 2019 take on online storytime

<https://www.slj.com/?detailStory=tackling-copyright-concerns-when-taking-storytime-online>

Carrie Russell's 2011 take on storytime

<http://programminglibrarian.org/articles/copyright-tips-programming-librarians-storytimes>

This issue was addressed in the Copyright Advisory Network

<https://librarycopyright.net/forum/view/1124>

I suspect the main respondent is Carrie Russell, so this doesn't necessarily represent a different viewpoint.

\*\*Note – the three responses above show an evolution of thought over time

**Does the TEACH Act-Section 110(2) (otherwise known as the distance learning exception) apply to online storytime?**

You can only depend on Section 110(2) if you are an accredited non-profit educational institution and your use can comply with [a long list of other requirements](#) (most not listed in this email) including that the storytime must be directly related to teaching content. You must apply technological measures to make sure recipients can't retain the work beyond the class session or further distribute it. Putting them online in FB only for livestream **may** be okay. Recording and uploading to YouTube for future reference would not. In order to be covered by TEACH Act, the audience would need to be limited to those in the class. Dramatic works can only be shown in reasonable and limited portions. Dramatic works refers to operas, plays, scripts, choreography, radio, TV. Non-dramatic literary works can be performed in their entirety – this might include poetry or short story reading. <https://guides.lib.utexas.edu/copyright/teachact>.

Short answer is probably not for the type of storytime described in the question. If you are interested in pursuing this as an option, make sure to read the **whole** [TEACH Act checklist](#) before proceeding.

**If someone wants to make a copy of a copyrighted work (for instance, on a copy machine in the library), do we need to enforce copyright?**

No. We are obligated to inform patrons about copyright law. The Copyright Office provides language for what the copyright warning should say – see page 20 of this circular: <https://www.copyright.gov/circs/circ21.pdf>, and here is another one from ALA: <http://www.ala.org/rusa/resources/guidelines/languagesuggested>

**Can I show a DVD to students on a bus ride?**

We need to consider whether this is a public performance. A public performance is defined as a “(1) to [perform](#) or [display](#) it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or”. We think a bus of students would probably not be considered a private performance as it's beyond the normal circle of family/social acquaintances. <https://www.law.cornell.edu/uscode/text/17/101>

If the video is not related to a teaching activity it also wouldn't qualify for the Section 110(1) face-to-face teaching exception.